

March 21, 2025

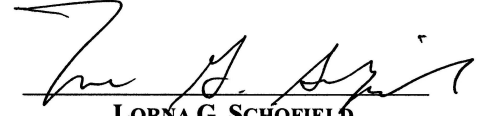
745 FIFTH AVENUE | SUITE 500  
NEW YORK, NY 10151  
WESLEY M. MULLEN

Hon. Lorna G. Schofield  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

VIA CM/ECF

Defendant and non-party Kevin Schwartz, may file a response to Plaintiff's pre-motion letter by **April 2, 2025**. By **March 28, 2025**, Plaintiff and Defendant shall serve a copy of this Order on non-party Kevin Schwartz by email and file proof of service.

Dated: March 25, 2025  
New York, New York

  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

Re: The Continuum Group LLC v. 666 Performance, LLC,  
No. 24 CV 5834 (LGS)

Your Honor,

I represent the Plaintiff in this trademark infringement case. I write pursuant to Local Rule 37.2, and pursuant to Rules II.B.2, III.A.1, and III.C.3 of the Court's Individual Rules and Procedures, to request a conference on Plaintiff's anticipated motion to enforce a Rule 45 subpoena seeking documents from non-party Mr. Kevin Schwartz.<sup>1</sup>

Mr. Schwartz

[REDACTED]

Mr. Schwartz also

[REDACTED]

Even though it is clear that Mr. Schwartz possesses documents and information directly relevant to the case — and despite months of discussions between counsel, including ones directed by the Court, ([ECF Doc. 84](#)) — Mr. Schwartz has not agreed to search for or produce any documents. (*See also* LCR 37.2; Individual Rule III.C.3.)

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<sup>1</sup> Certain documents cited in this letter application were designated by the Defendant pursuant to the Protective Order. ([ECF Doc. 53](#).) Defendant has also asserted broad “individual[] right[s] to privacy” against disclosure of essentially all information related to Plaintiff's prior efforts to enforce non-party subpoenas. ([ECF Doc. 78](#) at 2.) Plaintiff therefore files this letter under partial seal in accordance with Rule I.D.3 of the Court's Individual Rules and Procedures. Plaintiff neither contends that the letter ought to remain under seal nor concedes that the Defendant's documents are properly designated under the Protective Order. (*See* Rule I.D.3 (“The party with an interest in confidential treatment bears the burden of persuasion.”).)